

Fed. R. Civ. P. 69. Mr. Ward, however, has so far failed to cooperate in plaintiff's discovery efforts.

At this time, the motion for a show cause order will be **DENIED**. However, it is hereby **ORDERED** that the U.S. Marshals Service effect personal service on Mr. Ward of this memorandum and order and a subpoena directing him to appear on **Friday, October 7, 2005, at 10:00 a.m. at Courtroom 3-C, Third Floor, Howard H. Baker, Jr. United States Courthouse, Knoxville, Tennessee**, to give his deposition. Mr. Ward is further **ORDERED** at this time to pay any reasonable expenses incurred by plaintiff in its attempts to obtain his presence at a deposition. See Fed. R. Civ. P. 37(b)(2).

Fed. R. Civ. P. 45(e) relates the following:

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued....

Accordingly, should Mr. Ward not present himself on the above date, he will be deemed in contempt of this court. Fed. R. Civ. P. 45(f).

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE